

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THERESA BROOKE,

Plaintiff,

v.

VENTURA BEACH VENTURES
LLC,

Defendant.

Case No. 2:22-cv-04093-SB-K

ORDER OF DISMISSAL

Plaintiff is an Arizona resident who visited a Crowne Plaza hotel in Ventura, California. Defendant Ventura Beach Ventures LLC operates the hotel. Plaintiff filed this action alleging that Defendant does not provide an access aisle in the hotel's passenger loading zone (PLZ) in violation of the Americans with Disabilities Act and California's Unruh Civil Rights Act.

Defendant moved to dismiss the complaint, principally arguing that Plaintiff failed to adequately allege standing and secondarily contending that Plaintiff failed to state a claim. In opposition, Plaintiff submitted a declaration explaining that she made reservations to return to the hotel and that she intends to return if the alleged barrier is removed by then. She also submitted other evidence, including photographs, which supported her allegation of the existence of a barrier. After submitting this extrinsic evidence, Plaintiff stated that she is willing to "amend the Complaint . . . if [the Court] wishes." Dkt. No. 15, at 8.

In light of extrinsic evidence submitted that appeared to address the challenged allegations, the Court elected to allow Plaintiff to amend the complaint as suggested. On August 9, 2022, the Court granted the motion to dismiss with leave to amend. Dkt. No. [31](#). Two days later, despite her previously expressed willingness to amend her pleading, Plaintiff filed a notice stating that she "declines the offer to amend her complaint" because she prefers to appeal. Dkt. No. [32](#).

Accordingly, this action is dismissed in its entirety without prejudice.

IT IS SO ORDERED.

Date: August 12, 2022



Hon. Stanley Blumenfeld, Jr.
United States District Judge